

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARL T. STEWART, JR.,

Plaintiff,

v.

ROBERT GILMORE, Superintendent, et al.,

Defendants.

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CIVIL ACTION NO. 16-2442

MEMORANDUM OPINION

Smith, J.

July 6, 2016

The *pro se* plaintiff, Carl T. Stewart, Jr., commenced this action against the defendants, Robert Gilmore, Superintendent, J. Kennedy Business Manager, Counselor Stella, Counselor Thompson, and Unit Manager Mankey, by filing a complaint that the clerk of court docketed on May 16, 2016.¹ Doc. No. 1. The allegations in the complaint generally relate to the handling of the plaintiff's prison account and issues with the purchase of a bus ticket. *See* Compl. at ¶¶ 11-27. The plaintiff asserts a cause of action under 42 U.S.C. § 1983 and seeks compensatory damages and punitive damages in an amount in excess of \$100,000. *Id.* at ¶¶ 28.

The plaintiff did not file an application to proceed *in forma pauperis* or pay the filing fees to commence the action, so the court entered an order on May 26, 2016, which, *inter alia*, (1) provided the plaintiff with a period of 30 days from the date of the order to either (a) file an application for leave to proceed *in forma pauperis*, or (b) pay the \$400 in fees to commence the action, (2) required the clerk of court to send a blank form application to proceed *in forma pauperis* to the plaintiff at his address of record, and (3) advised the plaintiff that if he did not

¹ The plaintiff is suing the defendants in their official and individual capacities.

submit a completed application to proceed *in forma pauperis* or pay the filing fee, the court would dismiss the action without prejudice and without notice to him. Order, Doc. No. 3.

To date, well over 30 days have passed and the plaintiff has neither submitted a completed application to proceed *in forma pauperis* nor paid the \$400 in filing fees to commence the case. Therefore, he has not complied with the court's May 26, 2016 order, and the court will dismiss this action without prejudice.

A separate order follows.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.